August 22, 1971

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

With further reference to the longer of your two letters of August 13, 1971, you say you have withheld from me executive session transcripts of the Warren Commission under authority granted by Executive Order 10501.

It is the sworn testimony before a Congressional committee of appropriate jurisdiction by one of the authors of the executive order that it "has, in fact, no application whatsoever to persons outside the executive branch of the government" and that, in any event, "Executive Order 10501 does not have the force of law."

The Warren Commission was not part of the executive branch of government. It was separate and independent as a Presidential commission.

From the public press, it appears to be a fact that "there is no section of the United States Constitution which grants the President express authority to issue any such order."

Reminding you that, under 5 U.S.C. 552, the burden of proof is upon you and that, under the provisions of the official interpretation of the law as embodied in the Attorney General's Memorandum thereon, no bureaucratic obstacles are to be placed in the path of an applicant for public information. I again ask for these transcripts and a citation of proof that you have the right to apply this executive order to this material and, if you persist in claiming it, citation of proper authority therefor.

Sincerely,

Harold Weisberg

Note on carbons only:

The authority quoted is William G. Florence, with 43 years experience in classification, quoted in Parade 8/22/71, filed under "Withholding."